

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:11 mc 01

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	<u>ORDER</u>
<b>v</b>	)	
	)	
<b>REL COTTAGE, INC., d/b/a COTTAGE SALAD STATION DELI &amp; MARKET,</b>	)	
	)	
<b>Defendant.</b>	)	

**THIS MATTER** has come on before the undersigned, pursuant to an Order to Show Cause (#3) filed in this matter by this Court directing that Roger Elsberry, owner of the Respondent appear before the Court on August 23, 2011 in the United States Courthouse in Bryson City, North Carolina and show cause why he should not be compelled to comply with the subpoenas previously issued to him in this matter. At the call of this matter on for hearing, it appeared that the Petitioner was present and represented through attorney Tina Burnside and Roger Elsberry was present and he and the Respondent were represented by attorney Steve Williamson of Asheville, North Carolina. Mr. Williamson and Ms. Burnside advised the Court that the matters regarding the compliance with the previously issued subpoenas in this matter had been discussed between them and the Respondent contemplated full compliance with the subpoenas that had been issued. The undersigned made inquiry of Mr. Elsberry as to why he had not complied with the subpoenas and is satisfied that he will now comply

with that process. Based upon the foregoing, the undersigned has determined to enter an order dismissing the Order to Show Cause.

## ORDER

**IT IS, THEREFORE, ORDERED**, having found there will be compliance with the subpoenas previously issued in this matter by the Respondent, that the Order to Show Cause (#3) previously issued in this matter to Roger Elsberry is hereby **DISMISSED**.

Signed: August 31, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

